SPEECH

OF

HON. H. MARSHALL, OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES, APRIL 3, 1850,

In Committee of the Whole on the state of the Union, on the President's Message transmitting the Constitution of California.

Mr. MARSHALL said:

Mr. CHAIRMAN: At the commencement of this session, occasion called forth an expression of my regard for the Union. I embrace the first opportunity which has since offered, to declare that attachment and unaffected loyalty to the noble system of free government under which we live, is the common sentiment of the district I represent. Indeed, a desire to preserve our free institutions for the benefit of posterity, must be the darling wish of every patriot, no matter under what latitude his destiny is cast. This belief inspires me with hope and confidence, that the clouds which now lower over us will roll away, and that the constellation of the American Union will still shine among the nations. If *we* can but recur to that spirit of mutual concession in which they acted who conceived and established the Constitution, we may meet this crisis without fear, and discharge our responsibility without reproach. So far as I am concerned, I shall be willing to bear and forbear, to claim nothing that is not right, and to yield to the circumstances which surround us, until I conceive demands upon me to be positively wrong, in order to restore quiet to the country, and to enable Congress to proceed with other important and necessary legislation.

I will say, in the commencement, I never allow myself to dwell on the idea of disunion as a remedy, except as one sometimes reflects upon the folly of suicide. It is the remedy only of absolute desperation under a sense of intolerable evil. Should the power of this Government be prostituted to serve the purposes of fanaticism, should a manifest disregard of chartered rights appear in its action, it would become the duty of the oppressed to throw it off, by a resort to the remedy of revolution. Whenever the construction of the Constitution is so plain a departure from its literal meaning, and its true spirit, as to indicate beyond doubt that it is retained as a mere index of power—not as a bond of good faith among friends and equals—the destruction of the Constitution would be a less evil than submission to unfeeling and unjust tyranny. I appreciate the blessings of freedom and of regulated right.

Domestic slavery is our apple of discord. It need not be concealed that so wide a difference of opinion exists, as to the propriety of domestic slavery under this Government, as that the conflict of sentiment disturbs the repose and endangers the security of the Union. But it is not, as some seem to suppose, the resolutions of popular assemblies, the abstract notions of declaimers, or even legislative resolves, which give rise to this national disquietude. Men may think, write, speak, as they please. It is *action* from which the danger will spring; and in advance of that action comes, very properly, the voice of warning, inviting a contemplation of probable consequences.

At the adoption of the Constitution, nearly all the States employed slave labor—some derived large profits from their connection with the slave-trade. Many of the private fortunes which established family consequence, were founded upon the profits deduced from this "inhuman traffic." The iniquity of slavery had not alarmed the consciences of men intent on the pursuit of gain. The men of 1787, though fresh from the war for liberty, and possessing at least equal purity with those of succeeding generations, did not shrink from making the compact of the Constitution with slavery, as a recognized element of political power in this Government, nor to clothe it both with protection and privilege, in consideration of certain conceded equivalents which they enjoyed during their day, and from which their descendants reap profit even at this day. Since that period, many of the States, having rid themselves of slaves, the passing generation has been educated to abhor the system, as not only the degradation of an unfortunate race, and a disgraceful deprivation of the negro of his inalienable right to freedom, but also as a sin in the sight of Heaven. The common mind, uneducated in the written political obligations of the Constitution, is diverted from the course it would otherwise have taken, by the constant appeals of ambitious demagogues, who inflame popular passion, from motives of self-aggrandizement, and would lead into all the labyrinths of error, for the mere sake of public notoriety. The progress of abolition—for this sentiment which now comes clothed with the title of "Free Soilism" is, at best, but political abolitionism—within the past fifteen years, has been prodigious. Look back to the debates in this Hall in 1835–36–37, and you will see that, on the presentation of Abolition petitions, northern Representatives claimed the especial privilege of battling against the fierce onslaught of this fanaticism wherever its banner was displayed. They assured the South that the movement was but the result of inconsiderate folly, which, having no other employment, was engaged in this mischief, but that no serious danger need be apprehended from it. I do not doubt that those gentlemen were sincere. I do not doubt the sincerity of gentlemen who now declare there is no danger, and that our constitutional rights shall be preserved. But, Mr. Chairman, the progress of this fanaticism has not in the slightest degree been checked. If petitions for the abolition of slavery in this District have ceased to incumber the files of this House, it is only because the acquisition of territory has opened a new field for the temporary exercise of this mania. The fever has not abated—the determination of the leaders of the Abolition party remains unchanged. In every department of opinion and interest, this spirit is at work. It is not mere run-mad philanthropy. In the pulpit,

clothed in the pure vestments of religion, it proclaims the sin of slavery, and calls upon the followers of the true God to make war upon it as an auxiliary of the devil. In the work-shop, it insidiously whispers into the ear of labor that toil is profitless, because competing with that of slavery. It invites the hardy laborer to make war upon slavery, if he would open the field of profit for the energies of his arm. In the factory, it points the confined operative to green shades and cool breezes, which shelter the form and fan the cheeks of a master who is depicted as revelling in luxurious indolence. It steals into the hovel of want, and arouses the jealousy of poverty against wealth, attributed to the system of slavery. In politics, it teaches disaffection to the Constitution, because of assumed injustice of slave representation in this Hall, and would induce the freeman of the North to believe that he is on a scale of inferiority as a voter. Thus, by turns, in the garb of philanthropy, religion, democracy, whiggery—anything, everything—this mischievous spirit plays the recruiting officer, to obtain an army of followers for the purpose of acquiring *power*. We have seen it bargaining for place, and availing itself of the close balance of parties in the legislature, corruptly trading for political position. Now a sedate moralist, again a religious fanatic, or a political demagogue, it is attempting to outrun the established order of things, and to overleap every barrier which the Constitution interposes to its progress.

This is the spirit which is busy in this land, in every department of labor, politics, and religion, preparing sentiment, and trying, through governmental instrumentality, to find vent for that sentiment *in action*, even at the cost of the best political combination of the earth. Its tread is that of the Vandal. When its usurpations shall be complete, its triumph will be celebrated upon the ruins of the Constitution. The hardy breeds of the north of Europe, who overran Italy, wrecked all of art and civilization then existing. Vandal cupidity and barbarian ambition were never satisfied, until they stood upon the ruins of Government, and trod under foot all public law and private right.

I repeat, that I place every reliance in the sincerity of many gentlemen from the free States, who think there is no danger from the operations of this Abolition feeling; but I ask those gentlemen to point to the man of 1835–6, who dared to oppose the agitations of that time, now left to serve the country? The voice of the past guides me to fancy the realizations of the future. These gentlemen are not the generals who marshal the forces, nor the tacticians who choose the positions of the Abolitionists—it fully occupies their time to keep their own persons out of the fire of the batteries. This Abolition spirit, sir, is a living, active, mischievous element. When we behold the fruits of its past exertions, and the evidence of its present intentions, let us beware of *non-action*. The voice of patriotism bids us, by every duty we owe to the Constitution, the country, and the world, to act now, before it is too late, and so to act as to avoid the possibility of any future issue between us—so to act as to settle this distracting controversy about slavery, at once, definitively, and forever.

The position to which we are invited, and which we are to-day assured will prove safe through the future, will only smother the flame for an instant, to break forth hereafter with increased heat and intensity. Adopt it, and my belief is the excitement will increase. The anti-slavery fever will guide the spirit of your elections through future years. It will do more. In the true spirit of that fanaticism which pretends to look above earthly compacts it has solemnly sworn to observe, to a Divine command for guidance, it will spurn the protection afforded to property by law, and will wallow in all the excesses of the vilest agrarianism. I have the most abiding reluctance to see this scheme of *non-action* prevail. I honestly believe that one of the effects to flow from it, will be a permanent sectional division among our people—I do not mean a dissolution of the Union, but an alienation of feeling and of friendship—and as another consequence, the elevation to public honors of the most rabid, the most offensive, the most ultra and unscrupulous of those public men who now worship openly at the altars of Abolitionism and Agrarianism. I have no exaggerated apprehension of the designs of this school of politicians. We have heard during this discussion, from some of the leading spirits of that party, now members of this House, the views they entertain—the policy they pursue—the motives which actuate them to its adoption. Let us recur *to them* for a moment.

Speaking of northern feeling, one of these [Mr. HORACE MANN] remarks:

"But release us from our obligations, tear off from the bond with your own hands the signatures which bind our consciences and repress our feelings, destroy those compensations which the world and posterity would derive from the Union, and well may you tremble for the result. * * *

"Thousands will start up at the North, who will think it as much a duty and an honor to assist the slaves in any contest with their masters, as to assist Greeks, or Poles, or Hungarians, in resisting their tyrants. * * * *

"Perhaps a dissolution of this Union is the means foreordained by God for the extinction of slavery; and did I not foresee its doom, before any very long period shall have elapsed, without the unspeakable horrors of civil and servile war, I cannot say to what conclusions the above considerations would lead my own mind." * * *

I will not multiply authority from this source. It will suffice that this speaker denominates the slaveholder as a man-stealer—the slave as "stolen goods;" and closes with the declaration, "Better 'disunion—better a civil and servile war—better 'anything that God in his providence shall send, 'than an extension of human slavery."

Another of these men [Mr. THADDEUS STEVENS] says:

"Slaveholders form an untitled aristocracy, with numerous dependents. * * * There is no sound connecting link between the aristocrat and the slave. True, there is a class of human beings between them; but they are the most worthless and miserable of mankind. The poor white laborer is the scorn of the slave himself. * * * The white people who work with their hands, are ranked with the other laborers—the slaves. They are excluded from the society of the rich. Their associates, if anywhere, are with the colored population. They feel that they are degraded and despised; and their minds and conduct generally conform to their condition.

"I am opposed to the diffusion of slavery, because, confining it within its present limits, will bring the States themselves to its gradual abolition. Confine it, and like the cancer that is tending to the heart, it must be eradicated, or it will eat out the vitals. The sooner the patient is convinced of this, the sooner he will procure the healing operation.

"Confine this malady (slavery) within its present limits—surround it by a cordon of freemen, that it cannot spread—and in less than twenty-five years every slaveholding State in this Union will have on its statute books a law for the gradual and final extinction of slavery."

The speaker denounces slavery because it tends to render the people among whom it is planted "arrogant, insolent, intolerant, and tyrannical;" and "will look upon any northern man, enlight-'ened by a northern education, who would direct-'ly or indirectly, by commission or omission, by 'basely voting or cowardly skulking, permit it to 'spread one rood over God's free earth, as a trai-'tor to liberty, and recreant to his God."

I will not multiply these extracts now, though I may append a few from other sources, of like character, to the printed edition of my remarks. I

shall not stop to comment on the ignorance of the social condition of the laborers and poor in the slave States these Representatives exhibit; but it is fair to observe, that the same strain of epithet, and a like vein of misrepresentation of the existing condition of society in the slave States, pervading all these speeches for northern consumption—serve to swell the tide of prejudice against one section of this Union in the bosoms of the other. "Man-stealers! thieves! aristocrats! arrogant, insolent tyrants! abhorred of God! unworthy of association with moral, virtuous men, on earth!" These are the terms indulged—terms utterly unfit for this presence—better suited to a fish-market. I shall not descend to recriminate. I did not collate these precious passages for such purpose; but to prove to the committee and the country, and especially to the considerate and moderate men of the free States, that they can give no assurance of safety under the policy of *non-action*, and indeed that we can feel little reliance for the safety of slave property under the very ægis of the Constitution, while such doctrines educate the public mind, or sound the public ear. The point of these remarks is in the avowals of motive, inducing the adoption of the policy these Representatives advocate. What are these avowals? "*Non-extension, no more slave territory, no more slave States.*" Why? Not only because slavery is an evil, "an iniquity," but because they intend to compel the owner *to admit that it is an evil, by producing an intolerable state of suffering in the slaveholding States.* They design, by confining the institution of slavery to an area which the natural expansion of population will soon cover, to compel the master to cry out against the system of slavery as a curse, which blights the prosperity of his business, and endangers the security of his home. Yes, sir; we are informed, in this explicit language, that the anti-slavery party would now lay the foundation of a national policy, by which it is intended to confine the white and black races at the South together, until the slaveholder shall come as an almoner before the National Government, praying to be relieved of the burden of this species of property. All this is to be done, too, by the energies of a Government organized under a Constitution expressly guarantying protection to this class of property—done by men who acknowledge their inability, under the Constitution, to interfere with slavery *in the States!* Can you be surprised, with such atrocious declarations ringing in our ears, that we insist upon some immediate settlement of this matter? Would you expect a sensible man to remain passive while the lives of his family were threatened—when the incendiary brandishes the torch before his eyes, and boasts of an intention to commit arson, though it involves murder?

These men argue, that while the Constitution protects slavery *in the States*, they may so act upon *out of the States* as to destroy its value in the States, and that the surrender of it by the owner, will then be the act of the owner, while the effort of the Abolitionist will be free from the stain of violated obligation. Precious ethics! I know of but one apt illustration of the principle asserted. In the annals of the "Count of Monte-Christo," a story is told of a French banker, who ventured into the catacombs of Rome, under the pledge of some banditti inhabiting that labyrinth, that no violence should be offered to his person. After he was fully committed, and could not extricate himself, they furnished him a drop of water to quench his burning thirst, for one half of his money, and gave him a bird to appease his gnawing hunger for the balance of what he was worth. These punctilious moralists contended that *their* pledge was fulfilled, and that the surrender of the Frenchman's property was his voluntary act, and no robbery of theirs. The policy of our constitutional brethren, thrown into the shape of a bill, would read by its title somewhat after this fashion: "A bill to compel the slaveholding States to pass laws for the gradual abolition of slavery, and further to destroy the security and value of slave property *in the States*, according to the most modern interpretation of the Constitution."

I am aware that the reply to these observations will be, that the sentiments upon which I have commented are not the opinions of the mass of the North, and the persons whom I have denominated leaders, are extremists and agitators. I know they are extremists; but ultraists have led revolutions since the world had a history. The mass of men follow the lead of the daring spirit, whether his energy be exhibited in the cabinet or the field. It is because these leaders *are* extremists and agitators, talented and accomplished for their work, that I am the more desirous that moderate, conservative gentlemen from the North shall join me and other conservatives from the South and West, to silence agitation by a settlement at once of the subject, which gives play to their faculty for mischief. There is but one sound and safe policy under all the circumstances. It is to close the volume of legislation upon the subject of domestic slavery, by an act covering all the territory under our jurisdiction, based upon mutual concessions, discarding all mere abstractions, and drafted in a spirit of fraternity, to teach the minority that the majority wield power with magnanimity—to prove to the South that their rights and feelings are not merely recognized but guarded by the North—to prove also that an American Congress will never "do evil that good may come of it."

For my own part, I wish to act with fairness, executing honestly the obligations we owe to each other, that we may bind with firmer ties than ever the Union of these States. I am no propagandist of slavery because I consider it a moral, social, and political blessing. I heartily wish it had never existed on the continent; but as a system of labor, one half the States have become accustomed to it—the avails of industry are invested in this property; it is intertwined with private rights so as to be inseparable from them; it existed among the States at the birth of the Government; it is guarantied by the fundamental law as an element of political power; and it will exist, by the fiat of necessity, to the close of the Government. Any legislative action by Congress, adopted with the view to impair the value of slave property in the hands of the owner, or to interfere with his right of enjoyment, proximately or remotely, is as clearly a violation of his constitutional rights, as if you should send an army with banners into the States to wrest the slave from his master, or should directly proclaim, like France, a decree of universal emancipation.

When the doctrine is asserted, that slavery goes wherever the flag of the Union floats until it is prohibited by law, northern sentiment is shocked at its latitudinism; but when the doctrine is asserted that Congress shall *prevent* slavery from extending whersoever the flag of the Union floats, the same class of sentimentalists stand by the declaration. Can it be seriously insisted that this Government may make war upon an institution, recognized by the Constitution, and protected wherever it exists? Could it have been the design of the statesmen who framed the plan of govern-

ment, that legislation might be used as an instrument to blot out *anything the Constitution expressly recognizes and agrees to protect*, and in which the investment of capital was invited?

I care nothing for an equilibrium between the slaveholding States and the free States. Such a condition was not fixed by the Constitution, and is not of its essence. It is, moreover, impossible, and if good faith prevails, unnecessary. Power exerted by the free States to compel the slaveholding States to feel inferiority, and to deprive them of any just right—used to mark with the stain of national reprobation a class of property held by the minority, by virtue of a right over which Congress has no control, and which the owner holds, in the opinion of fifteen States, without any violation of etiquette to man or sin against God—I protest against most solemnly. The exertion of any such power, without the consent of the minority, will justly alienate the affections of the people from a Government, whose conduct is in open hostility to their interests.

When we regard the practical blessings of the Union, the rapid growth of our country, the unparalleled increase of our commercial and national power, and the prospect of a future, through whose vista the enlightened statesman can already perceive a grandeur which will place the United States first among the powers of the earth, the wonder increases, that any section of the country should be willing to peril, even for a moment, the prospect of our common glory, by an attempt to enforce a mere sentiment of more than questionable philanthropy. The free States of this Union have a retrospect to gratify the pride of any people—a prospect promising increased prosperity and power. By the exertion of energy, their people have amassed public and private wealth—have diffused the blessings of education, broadcast, among the million—have connected the natural channels of trade by artificial improvements, and checkered their magnificent country with stupendous works of art. The rapid swell of numbers, under the provisions of the Constitution, regulating our political relations, has transferred the reins of empire to their grasp, except so far as the organic law has reserved rights to the States and the people, or regulates their exercise. Moderate ambition should surely be content with such a measure of past success, and such a promise of future splendor. Can it be, that the free sons of the North intend to mar this great "partnership of freedom and glory," by an unhallowed attempt to trample upon the rights of their brethren? Why interfere with the condition and institutions of your neighbors? Why read homilies to us, your political equals, upon the moral iniquity of domestic slavery? Why cheat yourselves with the delusion that Providence has called you to a special mission for its extirpation? Why seek to act as if we had no voice in the disposition of our common domain? Look back on the history of the past, and imitate the example of the slaveholding country. When the war of the Revolution closed, Virginia transferred to the common treasury for the payment of the public debt, and for the common benefit, a domain richer than a dozen European principalities. She agreed to mark it by the peculiarity of your own system of labor. Will you now deny to her a fair participation in the acquisitions of our common blood and treasure? When Louisiana was acquired, slavery existed over its entire surface. Remember the language of the North. It was then marked by no assumption of arrogance—no determination to rule all, according to her own view. Mr. Taylor, of New York, the gentleman who moved the restrictive clause, (since known by the name of the Wilmot proviso,) held this just and emphatic language:

"We have no desire to restrict the emigration from the South, or to deny to it an equal participation of territorial benefits. * * The powers of sovereignty over the territory ought to be exercised, not on the principles of Massachusetts or Virginia, but upon those of the *United* States."

How different, Mr. Chairman, is this language from that held the other day by a Representative from Massachusetts, [Mr. ASHMUN,] who said:

"If you claim this right as a money right, we will not grant it. If you claim it as a point of honor, and will join us in a resolution, saying slavery is not there and never will be, then, to save your feelings, we will not pass the proviso."

Far better, sir, adhere to the spirit which admits the equality of the States, and announces the just doctrine, that neither Massachusetts nor Virginia possess the right to impress their peculiarities of sentiment, or of their system of labor exclusively upon the common domain.

This irritating question was supposed to be settled by the Missouri compromise, which divided the territory between the two classes of States. I know the slave States yielded much in that settlement. They voluntarily yielded the right, clearly possessed, to carry slave property into any part of the territory of the United States, and agreed, for the sake of peace and harmony, to a partition, which confined slavery south of the line of 36° 30′ of north latitude. The spirit of that compromise was, *an equitable division of the territory*—one part to be governed by the principles of Massachusetts, and the other by the principles of Virginia, if the people who formed the States chose to adopt those principles. It is fashionable to denounce the Missouri compromise now-a-days, and to say the South ought not to have agreed to it I think otherwise. It was *a compromise*—a mutual concession to satisfy a difficulty between people of the same lineage, having common interests—it was an honest *compromise*, and as sound an adjustment of a distracting controversy, as modern wisdom will by any possibility, devise. I am willing to adhere to it, and in its true spirit to carry it forward to the Pacific. I am willing even to deflect the line when it reaches the eastern boundary of California, and run it by that boundary to the South—thus yielding to a state of the case which has been produced in that country by the neglect of Congress to institute government, and has induced the people to assume the right of empire. I will consent to yield to free labor the coast of the Pacific, the Asiatic commerce, and the entire territory north of 36° 30′. All I ask in return is, the institution of territorial government south of that line, accompanied by the guaranty that slavery shall exist if the people, in forming the State to be hereafter erected, so desire—in the mean time to be open to immigrants from all quarters.

I do not know enough of the Valleys of the Rio Grande, the Colorado and the Gila, to say whether slave labor could be rendered profitable in any of them—nor do I care. It is not on this account I desire the settlement, but because it will afford evidence that gentlemen from the North are willing to meet on terms of equality—to give and take—and not ready to assert the policy that an interdiction of slavery is the *sine qua non* to an admission into the Union. It will prove to the people of the slaveholding States, that this Government has not yet obeyed the impulse of those who would pervert its powers to their injury, and the destruction of their property. I say, I am willing to carry forward the Missouri compromise in its true spirit. I believe it is our duty to do so,

and that the North is bound, in honor, to agree to it. It is true, the Missouri compromise was but a law, and as such is not *per se* binding on subsequent legislation. It was intended to supply a *casus omissus* of the Constitution, and was understood at the time as an agreement between the people of this country, North and South, that the power of the General Government, over the institution of slavery in the territories, should be regulated by the latitude in which the territory was situated. The compact was just as binding as any power, short of an absolute amendment of the Constitution, can make it. The resolutions of Texas annexation carried the terms of the Missouri compromise *through a State* about to enter the Union. The destiny of Oregon was expressly settled upon the same basis, by the last President of the United States. Why was the South content with these results when they were proclaimed? Because the spirit of that compromise was understood to be the basis of each settlement. It cannot be said its terms only extend to the country embraced by the boundary of Louisiana, for neither Texas nor Oregon were embraced by Louisiana. On the part of the slave States, the contract is executed, the consideration has been accepted by the free States, and according to every idea I have of fair dealing, their part of the stipulation should now be performed. It is not the amount of territory about which I am solicitous, nor yet the mere point of honor. I entertain invincible repugnance to the assertion of the inadmissible principle in this Government, that Congress may, by law, bring the energies of the Government to bear in a hostile manner upon that which is recognized as property in the States, and that the majority may, by law, exclude the minority from a fair participation in the acquisitions of the country.

Gentlemen from the free States have accustomed themselves to say, that they will not consent, under any circumstances, that slavery shall extend an inch beyond its present area. If this is meant merely to express intense antipathy to slavery, I have no observation to make in regard to it; but it cannot escape the most cursory reflection, that in many cases, readily supposed, the irreversibleness of this sentiment would present a perfect paradox in morals. I trust the day will never arrive when the dogma shall find practical assertion by general legislative act. In its broadest sense, it must be understood as placing slave property under the ban of the empire, for it amounts, practically, to the same thing as the Wilmot proviso, applied through the present and the future.

It is not my purpose to consume time by the discussion of the correctness of *any* abstract sentiment; I want to deal with the case in hand, trusting that the present emergency being provided for, the future will furnish no occasion for a continuation of the discussion.

California demands admission as a State; she has sent to the Capitol two members, as her quota in the popular representation. Without authority from Congress, she formed a constitution. "Dressed in her robes of freedom, gorgeously inlaid with gold," the "young Queen of the Pacific" has assumed the sceptre of sovereignty; her constitution is submitted for our examination; her legislature forms laws, and her Governor already enforces them; she claims the right of empire within a boundary in which she yields to this Government the right of eminent domain; her position presents to our consideration a single alternative—we must confirm what she has done, and admit her into the family of American States, or we must, by force of arms, if necessary, disrobe her of that gorgeous mantle which has been hailed *with genuine Eastern adoration*, and remand her to her former condition of military pupilage. California was entitled to a civil government—the men who rushed from the United States to her sites of commerce, and her placers of gold, understood the great right of self-government, and asserted it. Their right to form a State constitution, at a proper time, to suit themselves, is an admitted right which nobody contests. If any fault has been committed, the censure rests here, not there. Under the treaty, it was the duty of Congress to give to that people at least a territorial government; but the same Representatives who are now clamorous for the admission of California, because they see the prohibition of slavery ingrafted by her people into the State constitution, refused to perform this duty last year without the restrictive clause.

While much remains undone that should have been done before a State government was instituted—while Congress would have been better prepared to decide with wisdom on the boundaries suitable for the State, had the country been first sectionized, its exact area determined, the relation of mountains and streams to each other, and to the coast, precisely fixed, as well as some idea of the centres of future population obtained—still, the failure of preparation in these important particulars is not the fault of Californians. I should like very much to have known the proportion of public lands to those under private grant at the date of the treaty. I should prefer to know the proportion of Mexicans who remained in the country, electing to remain as Mexican citizens, and not as citizens of the United States. I should desire to know what proportion of land in that country is arable, and what proportion uninhabitable, before I cast my vote on the question of California boundary. It may be, that we are not entitled to one foot of arable land in California, and I entertain a strong persuasion such will turn out to be the fact. The treaty of Guadalupe Hidalgo, contains many features of striking peculiarity. It openly eschews the great principle of allegiance and protection—it enables the Mexican to remain in the ceded country, and to continue a Mexican subject, or citizen. It enables the Mexican, who owned land in the country at the date of the treaty, to remain beyond the jurisdiction—an absentee—and to pass his lands by contract to another alien and absentee. Knowing, as I do, the tenacity with which Mexicans hold on to real estate, I fear the effect of this condition of things. But above all, by non-election for one year, the Mexicans who were in the country became entitled to the inchoate rights of citizenship. We may, by adopting the State, and legalizing what has been done, be introducing at a single bound, into equal privileges with ourselves, in this Government, the peons of some Mexican richo, whose only claim to this dear privilege was their insensibility and recklessness of obligation to any flag or sovereign. I do not wish to cheapen the title of "American citizen."

All these points, and more, should in the first place have been ascertained and settled. Nevertheless, as I am not an advocate of a second war in California, and do not desire to add to existing irritation by any unbecoming punctilio about the order of her coming, especially failing to perceive any *constitutional* objection to her admission, my action rests in her case upon a single question, to wit, "What shall be done with the remaining territory?"

I am not to be understood as halting, because

slavery has been prohibited by the constitution of California. That constitutes no objection; for I have a conviction that it is the will of her people, instigated by no improper influence, except, probably, a fear of the failure of her application in the absence of such provision. What compromise shall be made? I have remarked, that I prefer an equitable partition of the territory in the spirit of the Missouri case, but for the sake of peace and harmony, I will meet on another basis, to wit, the admission of California, and the institution of territorial governments over the whole remaining country, under our flag, giving protection to property and persons under such governments, silence on the subject of slavery, and a guaranty that, when State constitutions are formed, the people may choose their own institutions, and whether slavery be permitted or excluded, the admission into the Union of the State or States to be formed from such territory. Why do the Representatives from any extreme of the Union shrink with timid shyness from the adoption of these conciliatory propositions? We cannot have peace, and harmony, and administrative energy, until something is effected upon this subject. Why not adopt one or another of the bases suggested?

I have heard the remark frequently on this floor, especially from this side of the House, that the plan of the Administration is, to admit California and there to halt—leaving New Mexico under her present government—and that advocacy of territorial government in New Mexico is opposition to the views of the President. I have no authority to speak for the Administration, and I merely declare my own opinion when I say, that the proposition as stated is not correct, and the conclusion deduced from it is not a proper conclusion. I do not believe the President is opposed to the institution of territorial government in the territories, or that he desires the existing condition of affairs to continue in New Mexico, if we can institute civil government there without sacrificing the public peace by an unworthy quarrel over the matter of slavery. On the contrary, from my knowledge of the character of the President, I believe an adjustment would be to him a source of unalloyed satisfaction, and if the legislative department can progress to the full discharge of its duty, without a sacrifice of the Union, it would realize his hopes and meet his hearty coöperation. I do not know the opinions of cabinet ministers—nor do I care what they may be. I only speak from documentary evidence in reach of all, as to the views of the President. Injustice is done to the President by the attempt to construe his message into an *advocacy of non-action, as the preferable policy under all circumstances.* In advising Congress to abstain from the introduction of topics likely to produce geographical discriminations and sectional parties, General Taylor acted upon the supposition that California and New Mexico would both apply directly for admission *as States;* and it was believed the silent operation of popular power might avoid the necessity of congressional action in the matter. But the hope of General Taylor has not been realized—New Mexico has not applied for admission as a State.

On the 31st December last, by a vote of 101 to 83, this House refused to lay on the table the resolution of an honorable member from Ohio, directing the Committee on Territories to report a bill for the provision of territorial governments, with the prohibition of slavery attached thereto. On the 21st of January, 1850, the President communicated a message containing the departmental reports touching California, and availed himself of the opportunity to review the reason for his original suggestion of delay in congressional action, and also to add another suggestion why the delay should be continued in regard to New Mexico. The vote on the resolution of the gentleman from Ohio had fortified the apprehensions of the President, that "excitement would prevail to an undue extent." The Texas claim is, in this message, for the first time brought forward, and the President, with due regard to the feelings of Texas, suggests that, until Congress has devised a mode of adjusting that interference, the institution of a territorial government, embracing the interference and superadding to existing causes of disquietude any oppression of Texas, might not be politic. The President, even in this message, shadows forth again the idea which induces his recommendation, and it is this, that Congress is in a temper and state of feeling which unfit this body for the temperate, proper, and complete discharge of its duty in regard to the territories; but nowhere does the President intimate *that he prefers non-action per se as a national policy.* On the 4th of February, this House, after some interchange of opinion, decided, by a vote of 104 to 89, to lay the resolutions of the gentleman from Ohio on the table.

The question, then, before us is this: Cannot the representatives of the States and the people adjust this matter on some definitive basis, which shall amount to a full discharge of duty, and silence those agitations that so lead to "geographical discriminations" in legislation? A basis for an adjustment of the Texas boundary has been suggested at the other end of this Capitol, which thus far has elicited no objection. I will not agree to disintegrate Texas *without her consent*, and I advocate her claim to the extent of boundary *claimed* (not occupied) at the commencement of the war. I am not much inclined to buy from her; yet, on a general settlement and a full footing up of the account, I would interpose no objection to the money item in favor of Texas, for the sake of peace and national quiet. We should, at last, pay the money to our own people, and no economy in a matter of money can justify even the hazard of disunion.

I act upon the convictions of duty. I believe that obligations of no ordinary character demand the institution of civil government in New Mexico and Deseret, without further delay. A failure to perform our duty, will proclaim the extreme peril of our institutions, from the existence of a radical division of sentiment about slavery among the people of the States. Ingenuity and self-interest will soon devise the means of making up the issue between us, and once made, the destruction of the Government will be materially forwarded, and may not be avoided.

But we owe the discharge of this duty to consistency. We spend hundreds of thousands of dollars annually to provide civil government in the territories of Oregon and Minnesota—why shall we fail to institute the same government in New Mexico and Deseret? Is it only because slavery is prohibited in Oregon and Minnesota? New Mexico has a commerce far more valuable than that of Minnesota—a population surpassing that of Minnesota in numbers—more defenceless—far more requiring the aid of Government, and the protection of the strong arm of the Union. I cannot listen to the plea that she has a better government now than formerly. I have conversed with the intelligent delegate deputed by that people to bring here the representation of her grievances.

What sort of a government has New Mexico? Sir, a government emanating from Executive authority only, and carried out by a military chief acting under Executive order. Are the rights and remedies of creditor and debtor regulated by law? Are the persons of citizens secure? If the commandant of a post shall order the collection of debts to be suspended, as to a given individual in community, his order will be obeyed; if he shall order a citizen to be tied to a cannon for breach of military regulation, it will be done. This may be better than the New Mexicans were accustomed to before the treaty of cession, and from the barbarity of some of their officers to the Santa Fé prisoners from Texas, I think it probable it is an improvement upon ancient customs; but, Mr. Chairman, it is not the government an American citizen has a right to expect, nor does it comport with my ideas of the enjoyment of regulated civil liberty.

I confess, I do not appreciate that philosophy which would convince me that to-day the inhabitant of New Mexico has no need of a territorial government established by law, because the benign teaching of a regular soldiery is an improvement on his former condition, but that to-morrow I shall trust the same New Mexican to frame a State constitution, republican in its character, and shall embrace him as an equal in privilege, and counsel as to the policy of our glorious Union. If California has framed a constitution prematurely, and without consultation with Congress as to the proper time, because we have not discharged our duty to her people, when I am officially informed that New Mexico is expected to do the same thing—these people to whom anarchy or military rule is an improvement—I feel that there is no longer a plea for delay in the performance of our duty. But again: I must express my extreme disinclination to the continuance of a government over any part of the American people, in which an officer of the regular army slays the governor, and the power of the State is maintained by military authority. It is a precedent only justifiable in a case of extreme necessity—a precedent to be dispensed with as soon as possible, not to be prolonged indefinitely—a satrapal power uncongenial to the spirit of American institutions—at war with every notion of just government in a republican system, to which I have been educated—dangerous in its example to the rights of the citizen, and the liberty of the States.

And why shall we not perform our duty, our whole duty, to these infant provinces?

Tell me not it is the plan of the Administration to delay. I have already commented upon the views of the President. According to my construction, he says to us, by implication as forcible as language can convey, that our duty is apparent to him, if we have the patriotism to discharge it—at all events, it is apparent to me. My action as legislator is the consequence of my own judgment. I pursue the true spirit of the declaration of the Executive, that, the independence of the representative is indispensable to the preservation of our system of self-government, and that he owes no responsibility to any human power but his own constituents.

I acknowledge the astuteness of those who have rallied upon what they are now pleased to term "the plan of the Administration." Sir, the Executive who heads this Administration, holds the doctrine (if I understand the principle upon which, above all others, he came into power) that plans are to be devised *here*—in the legislature—and merely to be executed by the department of which the President is the chief. Justice to the President will not authorize the declaration that *this Administration is committed to any plan.* It will subscribe cheerfully to whatever constitutional and considerate plan the wisdom of Congress may devise. The motive inducing the adoption of the principle of "non-action" are so clearly displayed in a letter of the gentleman from New York [Mr. DUER] to his constituents, as not to require any power of analysis for their comprehension. The policy surrenders no view of the "Free-Soil" party. Proceeding upon an expectation that the territories will voluntarily exclude slavery, it reserves the power to interdict it by express legislation, should the territories fail to do so. It applies the fable of the faggots to this case, introducing one State at a time, carved out of parts of the public domain, under the practical assertion of a principle, the immediate application of which to the whole domain would be so obnoxious to the slaveholding States as to be intolerable. By refusing to act at all, it throws the onus of all agitation apparently upon the slave States. It finally attempts to clothe itself with the name of an "Administration plan," and to bring to its aid the popularity and name of the President of the United States.

Mr. Chairman, I know no party or section, in the adjustment of this delicate and difficult subject. In my reflection, I find that the geographical extremes of the country are most excited, and least likely to listen to terms of conciliation and accommodation. I have tried to embrace the whole country, and to know no guide but the common good. If you will accept the counsel of the borders where the different systems of labor come into contact, this controversy will be settled in a day. If its adjustment rested solely upon the voice of the Valleys of the Ohio and Mississippi, it would not last a week. No speakers seem to have realized the fact, that in this Government there is a region where cotton and sugar do not grow, and where manufactures and navigation are not the only employments of industry. There is such a region, and *its united voice will be heard.* It is a region that the hand of Omnipotence has marked for the heart of a splendid empire. Already the great granary of the continent, directly it will be the centre of political power, as well as of the military strength of the Union—I mean the Valleys of the Ohio and Mississippi. The interests of that people are identical, no matter whether they live in a free State or a slave State; and they cannot be induced to sacrifice their welfare or their friendship for the triumph of any extreme doctrine about slavery. The farmers of the West see capital industriously engaged in contriving the ways and means of commerce between them and the Atlantic. They recognize the fact, that they feed the slave who produces cotton in the South, and the operative who manufactures it in the North. The South Atlantic States struggle to reach the Valley of the Ohio with their railways, and directly Ohio and Indiana will transport hogs, and cattle, and flour, by railroad to Charleston and Savannah, or distribute them to Mobile, Pensacola, and through the cotton-growing States. On the other hand, Kentucky, and Tennessee, and Missouri, will use the ways of Ohio, Pennsylvania, and Virginia, to reach the Atlantic with their tobacco, hemp, and stock. The staples of these States are the same. They are competitors in the markets of the Union. They are friends and brethren. Will the free West pursue a policy which can only serve to annoy the South, and to alienate the friendship of the southern people? Will the corn grower on White river, or the

Wabash, vote to produce a state of case which may cut off his own market? Will he pursue a mere sentiment—an idealism, never to be rendered practical—when he sees that it deprives his neighbor of rights esteemed dear, and produces discord where all should be harmony? I should be willing to leave this question to my neighbors; I believe they would do us *justice*. I expect it at the hands of their representatives.

Mr. Chairman, before I conclude these observations, I desire to say a few words in reply to the frequent expression which has been given upon this floor, to the idea of using military means to keep the States in union. The Union was not founded on the principle of *force;* it cannot be preserved by such application. It rests upon mutual interest, and exists alone by the observance of the rights and feelings of every section. Whenever force shall be necessary to make its parts cohere, the spirit in which it originated will have departed, and the value of what remains will not compensate the trouble undertaken for its preservation. But above all things, the idea of force wielded by a moiety of these States to coerce obedience from the other moiety, is most preposterous. We may, by a proper and speedy adjustment of this delicate point in our relations with each other, open the new leaf of our national history, with the most cheering prospect of inscribing thereon the peaceful progress of arts, commerce, and manufactures—the story of a people wisely continuing to govern themselves by the honest observance of mutual good faith, and steadily developing the resources, physical and intellectual, of a noble country. By proving ourselves unequal to the duty which lies before us, we may write upon that page the last history of a splendid empire, whose bright hopes were prematurely crushed by the unworthy jealousies, the unbridled cupidity, or the reckless ambition of her own degenerate sons, for future ages to contemplate with grief and wonder.

I have not spoken of disunion. Kentucky has not contemplated it. With unswerving confidence in the good faith of the great body of the people of other States, she continues to rely upon the maintenance of the Union as a fixed fact—an axiom—a thing taken as granted. She makes no calculation of its value; all her political arithmetic embraces the good and glory of our common country. To peril the Union by any policy which impairs its value and integrity, will be deemed by her people a crime of the deepest dye To menace its safety and perpetuity by unconstitutional and oppressive legislation, inviting resistance to usurpation, is to summon the people whom I represent to look to the security of their hearth-stones and the honor of their families. To do any act which should dissolve the Union, would be to concentrate upon their heads the horrors which must attend such a scene. My mind refuses to contemplate the transformation of Kentucky in the event of such a catastrophe. I look back upon her origin, a wilderness—upon her present, a garden—upon her future, the very centre and heart of a glorious and mighty nation, claiming sympathy in the successes or reverses of its remotest extremities, with all the pride and devotion of filial affection. Amid her green-woods, cities have risen, where enterpris and toil garner wealth from growing commerce Upon her fertile fields, industry sows with th assurance of abundance in the harvest. Amic her cottages, the merry shout of innocence is heard and in her churches the prayers of pious age "Peace tinkles on the shepherd's bell and sing among her reapers." Her homes are the abode of plenty, and the fires of patriotism still burn upo her altars. Were this Union lost, the bugle would wake the echoes from her hills, and the martia drum would sound along her valleys—the pruning-hook would be exchanged for the sword—the church would be turned into a barrack—he fields would be trodden by the feet of soldiers, instead of farmers, and her frontiers would constantly bristle with bayonets for protection or aggression. It is for her a proposition to exchange the smiles of peace for the frowns of war—prosperity fo adversity—abundance for desolation. I have seen war upon the face of one country, and whether force be "an army of occupation" or of invasion I know that the presence of an army is a sterr and awful calamity. I am a native of Kentucky. Never by act of mine will she be made the Belgium, upon whose bosom is to be repeated in America the contests of rival nations. I behold her interests plainly. I know her people intimately. Her voice strikes upon my ear from beyond the mountains with the authority of parental command. She is true to the Union. Wher her assembly inscribed upon the marble from he quarries, fashioned for the monument to the Father of his Country, "Under the auspices of Heaven 'and the precepts of Washington, Kentucky will be 'the last to give up the Union," they only engraved upon the stone the undoubted sentiment which throbs in every pulsation of her own great heart. Her delegation in this Congress, with unanimity, will lend the sentiment full and unequivocal approbation.

Kentucky is thus attached to the Union, because she regards it as a Union of equal sovereign States, based upon equal rights, equal dignity, justice, good faith, international regard, as well as constitutional obligation She knows her own duties and rights in the Confederacy. She will perform the one and maintain the other.

Should she be disappointed in her just anticipations of the course of her sister States, and a line of conduct be entered upon by them destructive of the value of the Government, by an abuse of power for the manifest purpose of oppression, or to attack the right to, and security of, property held by Kentucky, as well as her more southern neighbors, by a tenure independent of the Constitution, no suggestion of the proper remedy will be required by Kentucky. She will be found fit for "honor's toughest task," ready to vindicate her rights, and to redress her wrongs. I hope, however, that a spirit of justice will preside here; that a patriotism comprehensive enough to embrace the whole country will guide our action; that, by wise and timely concessions to one another, a patriotic forbearance and regard for the interests as well as rights of each other, the landmarks set by the fathers of the Republic may not be lost sight of, and the Union may be immortal.

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